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OFFICE OF PETITIONS

In re Application of
Harano et al.
Application No. 10/634,449
Filed: August 5, 2003
Attorney Docket No. 14095Z

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: DECISION ON PETITION
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This is a decision on the "PETITION TO CORRECT FILING DATE UNDER 37 C.F.R. 1.53," filed August 11, 2004. Petitioners request that the Office accord the above-identified application a filing date of August 5, 2003, with inadvertently omitted figures 18-20 considered part of the original application disclosure by virtue of an incorporation by reference statement.

Application papers in the above-identified application were filed on August 5, 2003. On November 3, 2003, the Office of Initial Patent Examination mailed applicants a "Notice of Omitted Items in a Nonprovisional Application." Applicants were advised that the application had been accorded a filing date of August 5, 2003; however, figures 18-20 described in the specification appeared to have been omitted from the application.

On November 17, 2003, applicants responded, supplying figures 18 - 20. No preliminary amendment requesting entry of this material accompanied this submission. The Office responded according the application a filing date of November 17, 2003, the later date on which the omitted figures were supplied¹. In response to the according of the November 17, 2003 filing date, applicants filed the instant petition.

The petition is GRANTED to the extent indicated herein.

¹ This was in error to the extent that no petition fee was charged and no declaration referring to the later filing drawing figures accompanied this submission. Without these items, the application should have retained a filing date of August 5, 2003, without figures 18-20.